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6 PROPERTY OWNER POOL 3 NEVADA, LLC

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8 **UNITED STATES DISTRICT COURT**
9 **DISTRICT OF NEVADA**

10 MFR HOLDCO, LLC, a foreign limited
liability company,

Case No. 3:18-cv-00034-MMD-WGC

11 Plaintiff,

12 vs.

13 ICON RENO PROPERTY OWNER POOL 3
14 NEVADA, LLC, a foreign limited liability
Company,

15 Defendants.

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17 ICON RENO PROPERTY OWNER POOL 3
NEVADA, LLC, a foreign limited liability
Company,

18 Counterclaimant.

19 vs.

20 MFR HOLDCO, LLC.; ACH FOAM
TECHNOLOGIES, INC.; FRANK
21 KIESECKER, JR., individually; RICHARD L.
WALLER, individually; MICHAEL S.
22 HUEMPFNER, individually,

23 Counterdefendants.
24

25 **STIPULATION FOR EXTENSION OF TIME TO RESPOND TO**
26 **MOTION TO DISMISS COUNTERCLAIM**
(FIRST REQUEST)

27 **WHEREAS**, Counterdefendants Kiesecker, Waller and Huempfnr filed a Motion to
28 Dismiss Counterclaim (ECF 52) on February 26, 2019 (“the Motion”);

1 **WHEREAS**, Counterclaimant's opposition to the Motion is currently due on or before
2 March 12, 2019;

3 **WHEREAS**, the parties participated in a mediation on March 4, 2019, and reached a
4 tentative settlement of the action;

5 **WHEREAS**, the parties are working to finalize that tentative settlement;

6 **WHEREAS**, the settlement will obviate the need for Counterclaimant to file an
7 opposition to the Motion; and

8 **WHEREAS**, the parties agree that the Counterclaimant should not be required to expend
9 time and money opposing the Motion if the parties can finalize their settlement, such that an
10 extension of time for Counterclaimant to file said opposition, while the parties work to finalize
11 their settlement, makes good sense,

12 **IT IS HEREBY STIPULATED AND AGREED** by and between the undersigned, that
13 Counterclaimant Icon Reno Property Owner Pool 3 Nevada, LLC shall have to and including
14 March 26, 2019, to file its opposition to Plaintiff's Motion to Dismiss Counterclaim in this
15 action.

16 **IT IS SO STIPULATED:**

17 DATED: March 11, 2019

DATED: March 11, 2019.

18 HOLLAND & HART LLP

ROBERTSON, JOHNSON
MILLER & WILLIAMSON

19
20 By: /s/ Matthew B. Hippler
21 Matthew B. Hippler, Esq.
22 Frank Z. LaForge, Esq.
Attorneys for Plaintiff/
Counterdefendants

By: /s/ Kirk C. Johnson
Kirk C. Johnson, Esq.
Attorneys for Defendant/
Counterclaimant

23
24 **ORDER**

25 **IT IS SO ORDERED:**



26
27 UNITED STATES DISTRICT JUDGE

DATED: March 11, 2019

1 **CERTIFICATE OF SERVICE**

2 Pursuant to FRCP 5(b) and Local Rule 5-4, I hereby certify that I am an employee of
3 Robertson, Johnson, Miller & Williamson, over the age of eighteen, and not a party to the within
4 action. I further certify that on the 11th day of March, 2019, I electronically filed this
5 **STIPULATION FOR EXTENSION OF TIME TO RESPOND TO MOTION TO DISMISS**
6 **COUNTERCLAIM (FIRST REQUEST)** and thus, pursuant to LR 5-4, caused same to be
7 served by electronic mail on the following Filing Users:

8 Matthew B. Hippler, Esq. (SBN 7015)
9 Frank Z. LaForge, Esq. (SBN 12246)
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15 */s/ Teresa W. Stovak*
16 _____
17 An Employee of Robertson, Johnson,
18 Miller & Williamson
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